

The Examiner's attention is also directed to the fact litigation concerning U.S. Patent No. 5,706,621 and related patents U.S. Patent No. 5,860,267 and U.S. Patent No. 6,023,907, initially reported as pending in a Washington, D.C. District Court, is currently pending under docket no. 03-CV-342 in the E.D. of Wisconsin.

Also, a law suit was filed and subsequently settled in Delaware District Court, docket no. 01-667. The case concerned U.S. Patent No. 6,023,907.

Except for the previously reported I.T.C. litigation, no documents have been filed in the reported litigations that concern the scope or validity of U.S. Patent No. 5,706,621. The decision concluding the I.T.C. litigation has been provided to the Examiner.

The documents are being submitted after a first Office Action on the merits but prior to the closing of prosecution, therefore under 37 C.F.R. § 1.97(c), the fee set forth in 37 C.F.R. § 1.17(p) is enclosed.

A fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is enclosed.

The filing of this Information Disclosure Statement shall not be construed as a representation that a prior art search has been made.

In addition, the filing of this Information Disclosure Statement shall not be construed to be an admission that each of the references submitted herewith is in fact prior art with respect to the present application, or that each of the references is considered to be material to patentability as defined in § 1.56(b).

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date July 2, 2004

By:



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June 13, 2000

Tony Pervan

Y. Horton

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FOREIGN PATENT DOCUMENTS

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.